



Can you cut the neighbor's tree?

It is often thought that you can cut vegetation that crosses over onto your property. However, you could also be at risk of claims that you caused property damage due to improper pruning. The only answer is to work it out with the neighbors first, whether by obtaining their written permission to trim the tree, or by addressing the issues with a mediator or an attorney.



What about limbs and debris in the street or sidewalk?

The street and sidewalk are included in the term "public right of way". Right of way maintenance is the responsibility of the abutting property owner. This includes all right of way abutting your home, even if it is a planter strip separated from your yard by a sidewalk, or if it is vegetation behind your fence.

- Branches overhanging in the right of way must be kept at least eight feet above the sidewalk and ten feet above the street.
- Lower vegetation must be trimmed completely away from the street and sidewalk, and any grass or weeds mowed.
- Vegetation must not block traffic or street signs.
- Debris such as leaves, pinecones, fruit, nuts, and branches must be cleaned up and removed.

These are all property owner responsibilities, which must be performed as often as needed. Additionally, if your tree damages the sidewalk or street, you must repair it as well.

These maintenance responsibilities are another reason to be sure you research what vegetation you really want before you plant it.



What other resources may be available for tree pruning tips, neighbor friendly trees, non-invasive trees, legal advice, etc.?

International Society of Arboriculture
www.treesaregood.com

International Society of Arboriculture
Pacific Northwest Chapter
503- 874-8263
www.pnwisa.org

Oregon Association of Nurseries
www.oan.org

City of Tigard, Street Tree Information
www.tigard-or.gov/community/parks/street_trees.asp

OSU Extension, Washington County
<http://extension.oregonstate.edu/washington>
503-725-2300

City of Tigard Arborist
503-718-2700

Oregon State Bar Lawyer Referral
503-620-0222 or 800-452-8260.
www.osbar.org

City of Tigard Free Mediation Program
www.tigard-or.gov/city_hall/services/mediation
503-526-2523



City of Tigard

**13125 SW Hall Boulevard
Tigard, Oregon 97223
Phone: 503-639-4171
www.tigard-or.gov**

City of Tigard

You and the Tree Next Door



*Private property issues are
not addressed by
Tigard City Codes.*

*In an effort to help keep you
and your neighbors happy,
the following offers
information and suggestions
to assist with potential tree
issues in your neighborhood.*



“I have a problem with my neighbor.”

Many inquiries come in every week about rights and responsibilities for trees and bushes between neighbors. Usually the person is upset about a neighboring tree because it:

- Has become huge and overgrown
- Shades their yard
- Drops leaves, needles, sticks, branches, seed pods, or fruit
- Is pushing on the fence
- Is lifting their driveway or sidewalk
- Has roots that are overtaking their yard
- Overhangs or touches their house, roof, or vehicles
- Is in declining health and could become dangerous
- Is sending new shoots up throughout their yard (including ivy, blackberry vines, or bamboo)



If you are thinking of planting a new tree

first consider what the tree will do as it matures:

- Will this tree grow quickly to an unmanageable size?
- Is the planting site near a shared property line?
- Is this a “messy” tree with dripping sap, rotting fruit, shedding needles, seed pods, volumes of leaves, or pine cones and nuts that pile up?
- Is this an invasive tree with roots that will seek water lines or break up concrete?
- What lifestyle do your neighbors have? Are they of frail health and cannot physically clean up mounds of leaves? Are they avid gardeners that cherish the sunny spot in their yard?

IF the answer is yes to any of the above, perhaps you can choose a different type of tree, or a different planting site that pleases everyone. Ultimately, how you landscape your yard is your choice but if you can also make your neighbors happy, why not!



If you are a tree owner with unhappy neighbors, consider:

- Is this a tree you really want or could you replace it?
- Are you risking lawsuits and claims against your homeowner’s insurance?
- Can you communicate with the neighbors? Could you both compromise?
- Would the neighbors allow you access into their yard for pruning and debris removal?
- Do the neighbors just want permission to trim the trees themselves?



If you are unhappy with your neighbor’s tree, consider:

- Talk the issue out. You may be able to find common ground.
- Find out if you have an active homeowner’s association with CC&R’s that may be of assistance.
- Try the Free Mediation Program available for City of Tigard residents.
- Contact an attorney.
- File a suit in small claims court.